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<b>TRANSMITTAL LETTER</b> (General - Patent Pending)	Docket No. <b>SAUP:101US</b>
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In Re Application of: <b>Krzysztof Stanuszek</b>
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Application No. <b>10/708,997</b>	Filing Date <b>04/06/2004</b>	Examiner <b>Richard T. Price, Jr.</b>	Customer No. <b>24041</b>	Group Art Unit <b>3643</b>	Confirmation No. <b>2996</b>
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Title: <b>IMPROVED SAUSAGE STUFFER</b>
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COMMISSIONER FOR PATENTS:

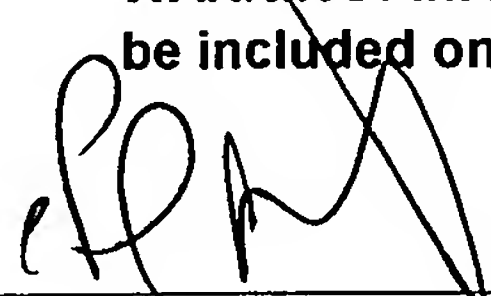
Transmitted herewith is:

- (1) Petition for Extension of Time
- (1) Check in the Amount of \$60.00 for One Month Extension Fee
- (1) Petition to Withdraw Premature Final Rejection
- (1) Certificate of Mailing by First Class Mail
- (1) Acknowledgement Postcard

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of \$60.00 is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 50-0822 as described below.
  - ☐ Charge the amount of
  - ☒ Credit any overpayment.
  - ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached:

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



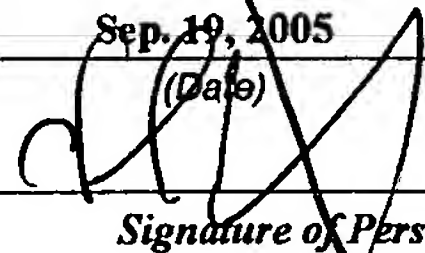
Signature


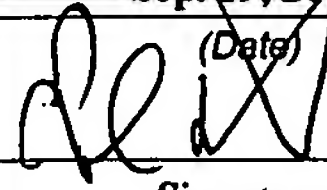
Dated: September 19, 2005

**C. Paul Maliszewski**  
Registration No. 51,990  
Simpson & Simpson, PLLC  
5555 Main Street  
Williamsville, NY 14221-5406  
Telephone No. 716-626-1564

CPM/KRB

cc:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>Sep. 19, 2005</b> (Date)  Signature of Person Mailing Correspondence <b>C. Paul Maliszewski</b> Typed or Printed Name of Person Mailing Correspondence
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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> (Small Entity)				Docket No. <b>SAUP:101US</b>	
In Re Application Of: <b>Krzysztof Stanuszek</b>					
Application No. <b>10/708,997</b>	Filing Date <b>04/06/2004</b>	Examiner <b>Richard T. Price, Jr.</b>	Customer No. <b>24041</b>	Group Art Unit <b>3643</b>	Confirmation No. <b>2996</b>
Invention: <b>IMPROVED SAUSAGE STUFFER</b>					
<b><u>COMMISSIONER FOR PATENTS:</u></b>					
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of <u>June 2, 2005</u> in the above-identified application. <small style="margin-left: 100px;">Date</small>					
The requested extension is as follows (check time period desired): <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div><input checked="" type="checkbox"/> One month</div><div><input type="checkbox"/> Two months</div><div><input type="checkbox"/> Three months</div><div><input type="checkbox"/> Four months</div><div><input type="checkbox"/> Five months</div></div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 5px;"><div>from: <u>September 2, 2005</u> <small style="margin-left: 100px;">Date</small></div><div>until: <u>October 2, 2005</u> <small style="margin-left: 100px;">Date</small></div></div>					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					
The fee for the extension of time is <b>\$60</b> and is to be paid as follows:					
<input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <b>50-0822</b>					
<input checked="" type="checkbox"/> If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. <b>50-0822</b>					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>					
 <hr style="border: 0; border-top: 1px solid black;"/> <div style="text-align: center;"><small>Signature</small></div>			Dated: <b>September 19, 2005</b>		
C. Paul Maliszewski Registration No. 51,990 Simpson & Simpson, PLLC 5555 Main Street Williamsville, NY 14221-5406 Telephone No. 716-626-1564			<div style="font-size: small; padding: 5px;">I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>Sep. 19, 2005</u> <small>(Date)</small></div> <div style="text-align: center; padding: 5px;"> <small>Signature of Person Mailing Correspondence</small></div> <div style="text-align: center; padding: 5px;"><b>C. Paul Maliszewski</b> <small>Typed or Printed Name of Person Mailing Correspondence</small></div>		

09/22/2005 TBESHAH1 00000012 10708997

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CPM/KRB

CC:

Attorney Docket No.: SAUP:101US  
U.S. Patent Application No. : 10/708,997  
Reply to Office Action of June 2, 2005  
Date: September 19, 2005



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: STANUSZEK, Krzysztof

U.S. Patent Application No.: 10/708,997

For: IMPROVED SAUSAGE STUFFER

Examiner: PRICE, Richard T.

Group Art Unit: 3643

Confirmation No.: 2996

Customer No.: 24041

**Certificate of Mailing by First Class Mail**

I certify that this correspondence is being deposited on September 19, 2005 with the U.S. Postal Service as first class mail under 37 C.F.R. §1.8 and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

  
C. Paul Maliszewski.

**PETITION TO WITHDRAW PREMATURE FINAL REJECTION**  
**UNDER 37 CFR 1.181**

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Honorable Sir:

This petition to withdraw premature final rejection under 37 CFR 1.181 is submitted in response to the Office Action of June 2, 2005.

**Remarks** are provided on page 2 of this paper.

A check in the amount of \$60.00 is enclosed along with a Petition for a one month extension of time.

Attorney Docket No.: SAUP:101US  
U.S. Patent Application No. : 10/708,997  
Reply to Office Action of June 2, 2005  
Date: September 19, 2005

### Remarks

#### Premature Final Rejection Under 35 USC §102(b)

In the June 2, 2005 Office Action, the Examiner newly cited the Eastman Outdoors Sausage Stuffer to finally reject all claims under 35 USC §102(b). According to MPEP §706.07(a), where a new ground of rejection is introduced by the Examiner, which rejection is not necessitated by an amendment of the claims by the applicant, the issuance of a final rejection is improper. In the present case, original independent Claims 11 and 18 were not amended during prosecution of the present application prior to the June 2, 2005 Office Action. Consequently, because independent Claims 11 and 18 were not previously rejected under 35 USC §102 in view of the Eastman Outdoors Sausage Stuffer, the rejection of those claims in view thereof comprises new grounds of rejection that were not necessitated by amendment.

Applicant presented the above argument in the August 2, 2005 reply to the June 2, 2005 Office Action. However, the Examiner failed to address Applicant's arguments in the August 17, 2005 Advisory Action issued in response to the August 2, 2005 reply.

MPEP 1002.02(c),3,(a) states that prematurity of final rejection, MPEP § 706.07(c) can be petitioned invoking the supervisory authority of the Director of the USPTO under 37 CFR 1.181.

#### August 2, 2005 reply

In the August 2, 2005 reply, Applicant presented proposed amendments to the claims and arguments regarding those proposed amendments and the rejections in the June 2, 2005 Office Action. In the August 17, 2005 Advisory Action, the Examiner refused to enter the proposed amendments. The final rejection in the June 2, 2005 Office Action was improper. Therefore, Applicant courteously requests that the arguments and proposed amendments in the August 2, 2005 be entered by right.

Attorney Docket No.: SAUP:101US  
U.S. Patent Application No. : 10/708,997  
Reply to Office Action of June 2, 2005  
Date: September 19, 2005

**Conclusion**

For all the reasons stated above, Applicant respectfully submits that the present application is now in condition for allowance, which action is courteously requested

Respectfully submitted,



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Dated: September 19, 2005